

### **REMARKS**

Claims 1 – 17 are pending and under consideration in the above-identified application and Claims 18-83 were previously cancelled.

In the Final Office Action of June 24, 2009, claims 1-17 were rejected.

In this response, no claims are amended.

#### **I. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ginter* (U.S. Patent No. 5,892,900) (“*Ginter*”). Applicant respectfully traverses this rejection.

In relevant part, each of the independent claims 1, 9 and 17 recite that a second settlement log is issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices.

This is clearly unlike *Ginter* which fails to disclose or even fairly suggest a second settlement log being issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices **every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices**. Instead, *Ginter* discloses a metering method used to generate a audit log where a system determines how many times a user accesses an account by comparing the date of the user’s last access to the account with the current date when the same user access the account again. See, U.S. Patent No. 5,892,900, Col. 329, l. 15-40. *Ginter* fails to disclose or even fairly suggest anything relating to generating a issue log when a user accesses the content in the user account and **then distributes the content to at least one user device**.

As the Applicant’s specification discloses, by issuing a second settlement log to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices every time the content is distributed by the at least one of the plurality of user devices to another of the plurality of user devices. See, U.S. Pat.

Pub. No. 2003/0105720, Para. [0240]. Further, the number of transfers between user devices can be counted and thereby restricted. See, *Id.* at Para. [0242].

Therefore, since *Ginter* fails to disclose or even fairly suggest each feature of claims 1, 9 and 17, the rejection of claims 1, 9 and 17 cannot stand. Because claims 2-8 and 10-16 depend, either directly or indirectly from claims 1, 9 and 17, they are allowable for at least the same reasons.

**II. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1 – 17 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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By /David R. Metzger/  
David R. Metzger  
Registration No. 32,919  
SONNENSCHNEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000